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To: Commissioner for Patents

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Fax: (571)273-8300
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Date: July 7, 2005

From: Danica Hostettler
Fax: 317-276-5172
Phone: 317-276-3711
Total Pages: 19

Re: Applicants: Moher, et al
Serial No. 10/516,559
Filing Date: November 30, 2004
For: Prodrugs of Excitatory Amino Acids
Docket No.: X-14978M

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Answers That Matter

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Date

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: Eric David Moher

Group Art Unit: 1618

Serial No.: 10/516,559

Examiner:
Zohreh A. Fay

Application Date: June 6, 2003

Conf No.: 7051

US Nat'l Entry

Date (if applicable): November 30, 2004

For: Prodrugs of Excitatory Amino Acids

Docket No.: X14978M

COMMUNICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

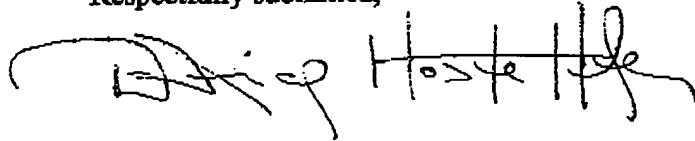
This communication addresses the Notice of Non-Compliant Amendment (37 CFR 1.121) mailed on June 8, 2005. According to the notice, the amendment document filed on November 30, 2004 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. Furthermore, claims 3 through 23 are noted as lacking the proper status identifier. In order for the amendment document to be compliant, correction of this deficiency is required.

On March 4, 2005, a Preliminary Amendment was provided to the Office in order to fully comply with 37 CFR 1.121 and was intended to replace the Preliminary Amendment provided for this application on November 30, 2004. This new Preliminary Amendment contains claims having proper

status identifiers. For the Office's convenience, Applicants have attached a copy of that amendment. Therefore, Applicants respectfully assert that the record already contains a Preliminary Amendment that complies with 37 CFR 1.121.

Applicants respectfully request that examination on the merits commence with consideration of the proposed changes in the Preliminary Amendment filed on March 4, 2005.

Respectfully submitted,



Danica Hostettler
Attorney for Applicants
Registration No. 51,820
Phone: 317.276.3711

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July 7, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,559	11/30/2004	Eric David Mohr	X-14978M	7051
25883 7590 06/08/2005				
ELI LILLY AND COMPANY				
PATENT DIVISION				
P.O. BOX 6288				
INDIANAPOLIS, IN 46206-6288				
EXAMINER				
FAY, ZOHREN A				
ART UNIT				
PAPER NUMBER				
1615				

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JUN 16 2005

ELI LILLY & COMPANY, PATENT DEPT

DATE MAILED: 06/08/2005

Due 7-8-2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-30-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings
 - ☐ B. New paragraph(s) should not be underlined
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: Claim 3-23 should have one of the above status identifier.

For further explanation of the amendment formal required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/ops/prenotice/officeletter.pdf>

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE-MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Odione Martino 571-272-0538
Legal Instruments Examiner (LIE) Telephone No.

LILLY PATENT DIVISION Fax:317-276-5172

**** Transmit Conf. Report ****

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Mar 4 2005 12:02

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Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46205
USA

Legal Department - Patent Division

To: Commissioner for Patents

Company: USPTO
Fax: (703) 872-9306
Phone:
Date: March 4, 2005

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